



General Assembly

**Substitute Bill No. 1183**

January Session, 2007

\* SB01183GAE\_\_032607\_\_ \*

**AN ACT CONCERNING THE PENSIONS OF STATE AND MUNICIPAL  
EMPLOYEES OR PUBLIC OFFICIALS CONVICTED OF FRAUD OR  
CORRUPTION.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 3,  
2 inclusive, of this act:

3 (1) "Public official" means public official, as defined in section 1-79  
4 of the general statutes and any elected or appointed municipal official;

5 (2) "State or municipal employee" means state employee, as defined  
6 in section 5-154 of the general statutes, and includes employees of any  
7 quasi-public agency, as defined in section 1-120 of the general statutes,  
8 or any person, whether appointed, elected or under contract, who  
9 provides services for a city, town or other political subdivision for  
10 which a pension or other retirement benefit is provided; and

11 (3) "Crime related to state or municipal office" means any of the  
12 following criminal offenses committed by a person while serving as a  
13 public official or state or municipal employee:

14 (A) The committing, aiding or abetting of an embezzlement of  
15 public funds from the state, a municipality or a quasi-public agency;

16 (B) The committing, aiding or abetting of any felonious theft from

17 the state, a municipality or a quasi-public agency;

18 (C) Bribery in connection with service as a public official or state or  
19 municipal employee; or

20 (D) The committing of any felony by such person who, wilfully and  
21 with the intent to defraud, realizes or obtains, or attempts to realize or  
22 obtain, a profit, gain or advantage for himself or herself or for some  
23 other person, through the use or attempted use of the power, rights,  
24 privileges or duties of his or her position as a public official or state or  
25 municipal employee.

26 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any  
27 provision of the general statutes, if any person is convicted or pleads  
28 guilty or nolo contendere to any crime related to state or municipal  
29 office in federal or state court, the court, as part of the sentence  
30 imposed, may revoke or reduce any retirement or other benefit or  
31 payment of any kind to which such person is otherwise entitled under  
32 the general statutes for service as a public official or state or municipal  
33 employee.

34 (b) In determining whether the retirement or other benefit or  
35 payment shall be revoked or reduced, the court shall consider and  
36 make findings on the following factors:

37 (1) The severity of the crime related to state or municipal office for  
38 which the person has been convicted or to which the person has pled  
39 guilty or nolo contendere;

40 (2) The amount of monetary loss suffered by the state, a  
41 municipality or a quasi-public agency or by any other person as a  
42 result of the crime related to state or municipal office;

43 (3) The degree of public trust reposed in the person by virtue of the  
44 person's position as a public official or state or municipal employee;

45 (4) If the crime related to state or municipal office was part of a  
46 fraudulent scheme against the state or a municipality, the role of the

47 person in the fraudulent scheme against the state or a municipality;

48 (5) Whether such person voluntarily provided information to the  
49 state pursuant to section 4-61dd of the general statutes regarding fraud  
50 against the state that was connected to the crime related to state or  
51 municipal office for which such person was convicted and whether  
52 such information was provided prior to such person's knowledge of  
53 any criminal investigation into the crime related to state or municipal  
54 office; and

55 (6) Any such other factors as, in the judgment of the court, justice  
56 may require.

57 (c) If the court determines that a retirement or other benefit or  
58 payment of a person should be revoked or reduced, it may, after  
59 taking into consideration the financial needs and resources of any  
60 innocent spouse, dependents and designated beneficiaries of the  
61 person, order that some or all of the revoked or reduced benefit or  
62 payment be paid to any such innocent spouse, dependent or  
63 beneficiary as justice may require.

64 (d) If the court determines that the retirement or other benefit or  
65 payment of such person should not be revoked or reduced, it shall  
66 order that the retirement or other benefit or payment be made to such  
67 person.

68 Sec. 3. (NEW) (*Effective from passage*) (a) Any person whose  
69 retirement or other benefits or payments are revoked pursuant to  
70 section 2 of this act shall be entitled to a return of his or her  
71 contribution paid into the relevant pension fund, without interest.

72 (b) Notwithstanding the provisions of subsection (a) of this section,  
73 no payments in return of contributions shall be made or ordered  
74 unless and until the Superior Court determines that the person whose  
75 retirement or other benefits or payments have been revoked pursuant  
76 to section 2 of this act has satisfied in full any judgments or orders  
77 rendered by any court of competent jurisdiction for the payment of

78 restitution to the state or a municipality for losses incurred as a result  
 79 of the crime related to state or municipal office. If the Superior Court  
 80 determines that the person whose retirement or other benefits or  
 81 payments have been revoked under section 2 of this act has failed to  
 82 satisfy any outstanding judgment or order of restitution rendered by  
 83 any court of competent jurisdiction, it may order that any funds  
 84 otherwise due to such person as a return of contribution, or any  
 85 portion thereof, be paid in satisfaction of the judgment or order.

86 (c) No provision of section 2 or 3 of this act shall be construed to  
 87 prohibit or limit any payment made pursuant to a qualified domestic  
 88 relations order by: (1) Any public official or state or municipal  
 89 employee who is convicted or pleads guilty or nolo contendere to any  
 90 crime related to state or municipal office; or (2) any state or municipal  
 91 agency responsible for the administration of such payment on behalf of  
 92 such public official or state or municipal employee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

**GAE**      *Joint Favorable Subst.*